

# **Exhibit A**



**EMBASSY OF THE REPUBLIC OF LIBERIA**

5201 16th Street, N.W.

Washington, DC 20011

Tel: 202-723-0437

Fax: 202-723-0436

LEW-1/3b/349/08-'11

The Embassy of the Republic of Liberia in Washington, DC presents its compliments to the U.S. Department of State and has the honor to bring to your attention the outstanding requests from the Ministry of Foreign Affairs of the Republic of Liberia by letter dated August 17, 2010, and from this Embassy in its *Note Verbale* dated March 2, 2011, for the issuance of a Suggestion of Immunity by the U.S. Department of State, in favour of the Republic's officials and agents, to the U.S. District Court (EDPA) (the "District Court")<sup>1</sup>, and the Chancery Court of the State of Delaware<sup>2</sup> (collectively, the "Proceedings").

In these requests, the Republic has asked the Department of State (the "Department") to take appropriate action to protect the Respondents in those Proceedings, namely, the Honorable Foday L. Sesay, the current Commissioner of Insurance of this sovereign Republic, and the Court-appointed Receiver of the assets and obligations of the formerly licensed Liberian branch of the property and casualty insurance business of CIGNA Worldwide Insurance Company ("CWW"), together with Mr. Josie Senesie, his predecessor in such offices, and their agent, Attorney Samuel M. Lohman. As discussed in our previous correspondence and meetings with the Department, CWW has instigated the Proceedings against the Republic's officials and agents in their respective personal and representative capacities, notwithstanding that at all times relevant to the Proceedings these Respondents were acting in their respective official capacities and fulfilling their official duties as Officers of the Government of Liberia, or in the case of Attorney Lohman, as legal counsel to Mr. Senesie and Mr. Sesay in their official capacities.

Attached hereto as Appendix A is a brief summary of events relating to the Proceedings since the issuance of the *Note Verbale* this past March.

It is recalled that on January 21, 2011, the U.S. Department of Justice filed a Notice with the District Court (the "Notice"), asking the Court to resolve certain threshold questions relating to "*the capacity in which the Respondents are being sued and, in particular, whether the Republic of Liberia is the real party in interest.*" The Notice concluded by stating that, once the "*. . . Court has made a determination as to the real party in interest, the United States will then be in a position to determine whether, pursuant to 28 USC §517, to submit a statement of interest, or, if appropriate, a suggestion of immunity.*"

As of this date, the District Court has not yet responded to the Notice, although the Republic believes that the threshold issues raised therein, as well as in the Opinion of the Court of Appeals for the Third Circuit dated August 20, 2010, have been resolved on the basis of the parties' positions as expressed to the Court. Instead, the District Court has permitted CWW's counsel to demand discovery from the Respondents on matters unrelated to these fundamental issues.

<sup>1</sup> *Abi Jaoudi and Azar Trading Corporation v. CIGNA Worldwide Insurance Company*, Civil Action No. 91-6785.

<sup>2</sup> *CIGNA et al v. Josie Senesie, Commissioner of Insurance of Liberia*, Civil Action No. 4171-VCL.

For example, Messrs. Sesay, Senesie and Lohman have been ordered to identify, *inter alia*, all persons who have assisted the Commissioners in the enforcement of certain contractual rights to indemnification in favour of the former Liberian branch of CWW against ACE Limited, in litigation currently pending before the Grand Court of the Cayman Islands.<sup>3</sup> They have also been ordered to appear in Pennsylvania for deposition of a practically unlimited scope by CWW's counsel.

As advised in the *Note Verbale*, the Republic has instructed its officials not to attorn or respond to these discovery demands until a final determination has been made regarding sovereign immunity. However, it appears that in the contentious litigation over CWW's discovery demands, the District Court's attention has been diverted from the fundamental issues of sovereign immunity & personal jurisdiction.

Mr. Sesay has informed the District Court by letter dated June 6, 2011, that he has been directed by the Republic not to attorn to the jurisdiction of the Court, including attorning to any order of discovery relating to the Proceedings. Mr. Senesie has previously moved the District Court to be replaced in the Proceedings by his successor, Mr. Sesay (the Court has not yet ruled on this motion). Mr. Lohman has refused to disclose any confidential matters which he became aware of during the course of his representation of the Commissioners and any other party named in the Proceedings, and Messrs. Sesay and Senesie have refused to release Mr. Lohman from his professional obligations of confidence.

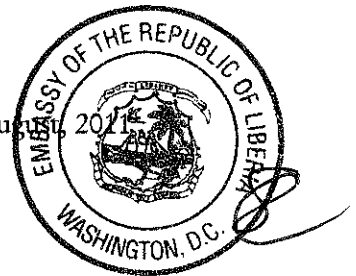
Recently, by Order of the District Court dated July 11, 2011 (as amended by consent of the parties), a hearing has been scheduled to take place on August 19, 2011, to address, among other issues, whether Messrs. Sesay and Senesie should be found in contempt of the District Court's orders as a result of their non-compliance with CWW's discovery demands. A copy of this Order is attached for your reference.

The Republic respectfully requests that the Department take action in this matter and affirm to the District Court that the Respondents are entitled to the protection of sovereign immunity. The Republic further requests that the Department appear at the August 19, 2011 hearing with counsel and affirm to the Court that no order of contempt may be made against our officials.

The Republic takes this opportunity to express its grave concern regarding the adverse effects which a finding of contempt against Mr. Sesay and/or Mr. Senesie, for actions taken in accordance with their official duties as officials of the Republic, could have on the relationship between our sovereign nations.

The Embassy of the Republic of Liberia in Washington, DC avails itself of this opportunity to renew to the U.S. Department of State the assurances of its highest consideration.

Washington, DC 8 August 2011



U. S. Department of State  
2201 C Street, NW  
Washington, DC 20520

---

<sup>3</sup> *CIGNA Worldwide Insurance Company By and Through its Court Appointed Receiver, Foday Sesay, and in Respect of the Assets, Undertakings and Affairs of Its Licensed Liberian Branch and Business v. ACE Limited, Cause No. 329 of 2008.*